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11 Representing the United States of America

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 United States of America,

15 Plaintiff,

16 v.

17 Jose Luis Reynaldo Reyes-Castillo, et al.,

18 Defendants.

Case No. 2:19-cr-00103-JCM-VCF

MOTION FOR A PROTECTIVE  
ORDER GOVERNING DISCOVERY

19  
20 The Government and the indicted Defendants in the above-captioned case, by and  
21 through their respective attorneys of record, respectfully move the Court to find that an or-  
22 der governing disclosure of certain discovery material is necessary pursuant to Fed. R.  
Crim. P. 16(d). The same parties further respectfully request that the Court find that grand

1 jury and other discovery materials provided by the Government are being provided for the  
2 purpose of the trial in this case.

3 IT IS THEREFORE ORDERED that:

4 1. In order to protect the safety and privacy interests of innocent third parties  
5 and potential witnesses, to protect law enforcement interests, and to encourage early, broad  
6 and expansive discovery in this case, the defendants, the defendants' attorneys of record,  
7 and their respective staff members and others retained to work on the case:

8 a) shall not distribute law enforcement reports, transcripts, recordings,  
9 and/or other materials provided by the Government pursuant to discovery except as set  
10 forth below;

11 b) shall not provide any law enforcement reports, transcripts, recordings,  
12 and other materials provided pursuant to discovery to anyone with the exception of the de-  
13 fendants, defendant's attorneys of record in this case, members of their staff, and parale-  
14 gals, law clerks, defense investigators, mitigation specialists, and experts retained by coun-  
15 sel to work on the case. Counsel for the defendants are ordered to provide a copy of this  
16 Order to anyone within the employ of counsel who receives such documents. Nothing in  
17 this Order prevents counsel of record for the defendants or members of their staff from  
18 showing or orally summarizing the Government discovery materials and transcripts if, in  
19 the sole discretion of counsel of record, he or she determines that it is necessary to do so for  
20 purposes of preparing the defense. Counsel of record or members of the defense team may  
21 also show and/or play audio and/or video recordings (but not provide copies of such) pro-  
22 vided in discovery to witnesses or potential witnesses or others working at the direction of  
counsel of record or the defense team, if, in the sole discretion of the counsel of record, she

1 or he determines that it is necessary to do so for purposes of preparing the defense of the  
2 case;

3 c) shall not reproduce in any part, in their entirety, nor in any format, any  
4 law enforcement reports, transcripts, recordings, and/or other discovery materials for dis-  
5 semination to any persons or parties, including the defendants, and shall maintain com-  
6 plete custody and control over the law enforcement reports, transcripts, recordings, and  
7 documents, including notes and/or copies;

8 d) shall not under any circumstances allow transcripts or other discovery  
9 materials containing Jencks Act (18 U.S.C. § 3500) statements of witnesses, e.g., grand jury  
10 transcripts, Rule 11 memoranda of cooperating witnesses, witness statements whether elec-  
11 tronically recorded or in the form of handwritten statements by the witnesses, or reports of  
12 witness statements by law enforcement officers, search warrant affidavits, or copies or sum-  
13 maries of the same, to remain with any defendant or to be left in any detention facility for  
14 review outside the presence of the defendant's attorney of record, or a member of the attor-  
15 neys' staff;

16 e) shall not provide copies of any notes or records of any kind made in rela-  
17 tion to the contents of the discovery materials, other than to the defendant, defendant's  
18 counsel, members of their staff, and those retained to work on the case, and all such notes  
19 or records are to be treated in the manner as the original discovery materials; and

20 f) shall upon conclusion of this case, including any appeal, habeas action, or  
21 other legal proceeding, dispose of all discovery materials in one of two ways, unless other-  
22 wise ordered by the Court: materials must be (1) destroyed or (2) returned to the United  
States. The Court may require a certification as to the disposition of any such materials;

1           2.     Any pleading that has as an attachment a protected document or which con-  
2 tains protected information from a protected document shall be filed under seal and copies  
3 sent by email to the other parties. A copy of a motion without the attachment may be pro-  
4 vided to defendants upon redaction of the information from the protected documents. The  
5 un-redacted motion and attachment(s) may be shown to the defendants.

6           3.     Nothing contained in this Order shall preclude any party from applying to  
7 this Court for further relief or for modification of any provision hereof. At a later date, de-  
8 fense counsel anticipate asking the Court to modify this order by allowing counsel to pro-  
9 vide discovery and other protected materials to the in-custody defendants at their detention  
10 facility in electronic form, such as on an external hard drive, pursuant to the detention fa-  
11 cility's policies and procedures.

12           Dated this 24th day of September, 2019.

13                               Respectfully submitted,

14                               NICHOLAS A. TRUTANICH  
15                               United States Attorney

16                               \_\_\_\_\_/s/\_\_\_\_\_  
17                               Shaheen P. Torgoley  
18                               Assistant United States Attorney

19                               DAVID L. JAFFE  
20                               Chief, Organized Crime & Gang Section  
21                               U.S. Department of Justice

22                               \_\_\_\_\_/s/\_\_\_\_\_  
                              JOHN S. HAN  
                              JEREMY FRANKER  
                              CHRISTOPHER TAYLOR  
                              US DOJ Trial Attorneys

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\_\_\_\_\_/s/  
RICHARD A. WRIGHT, ESQ.  
JOHN BALAZS, ESQ.  
Counsel for defendant  
JOSE LUIS REYES-CASTILLO

\_\_\_\_\_/s/  
MICHAEL J. MICELI, ESQ.  
AMY E. JACKS, ESQ.  
Counsel for defendant  
MIGUEL TORRES-ESCOBAR

\_\_\_\_\_/s/  
ANDREA L. LUEM, ESQ.  
MICHAEL KENNEDY, ESQ.  
Counsel for defendant  
DAVID ARTURO PEREZ-MANCHAME

IT IS SO ORDERED:



\_\_\_\_\_  
CAM FERENBACH  
United States Magistrate Judge

9-26-2019

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Date

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CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Department of Justice. A copy of the foregoing MOTION FOR A PROTECTIVE ORDER GOVERNING DISCOVERY was served upon counsel of record via Electronic Case Filing (ECF).

DATED this 24th day of September, 2019.

\_\_\_\_\_  
/s/  
Shaheen P. Torgoley  
Assistant United States Attorney